

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**THE UNITED STATES OF AMERICA**

**vs.**

**CASE NO.: 3: 99CR00217-002 (PG)**

**RAFAEL ORTEGA-REY**

\*\*\*\*\*

**MOTION NOTIFYING VIOLATIONS TO THE SUPERVISED RELEASE TERM  
REQUEST FOR MODIFICATION OF SUPERVISION CONDITIONS**

**TO THE HONORABLE JUAN M. PEREZ-GIMENEZ  
SENIOR U.S. DISTRICT JUDGE  
DISTRICT OF PUERTO RICO**

**COMES NOW, JOSE A. FIGUEROA, U.S. PROBATION OFFICER** of this Court, presenting an official report upon the conduct and attitude of releasee, Rafael Ortega-Rey, who on June 27, 2000, was originally sentenced to an aggregate imprisonment term of fifty-one (51) months to be followed by an aggregate four (4) year supervised release term, after he plead guilty of violating Title 21, *U.S. Code*, Section 846 and Title 18, *U.S. Code*, Section 1956(h). A special monetary assessment in the amount of \$200.00 dollars was also imposed. As a special condition, the Court ordered that the offender submit to urinalyses, provide access to financial information upon request and file income tax return as required by law. He was originally released on February 28, 2003. On February 24, 2006, his supervised release term was revoked and the offender was sentenced to nine (9) months of imprisonment and a two (2) years of supervision for committing a new crime, failing to support his

dependents, failing to report to the U.S. Probation Office and failing to report to the drug treatment program. On April 12, 2006, he was once again released to the community.

The offender has once again violated his supervision conditions as follows:

- 1) **SPECIAL CONDITION: "The offender shall refrain from the unlawful use of controlled substances and submit to a drug test within fifteen (15) days of release; thereafter, submit to random drug test, not to exceed 104 samples per year in accordance with the Drug Aftercare Program Policy of the U.S. Probation Office approved by this Court. If any drug test samples detect substance abuse, the defendant shall participate in a in-patient or out-patient substance abuse treatment program, arranged by the U.S. Probation Officer until duly discharge."**

On April 24, 2006, the offender was referred to an **out-patient** drug treatment counseling program. While in treatment, the offender tested positive as follows: On May 9, 2006, to marijuana; (a) July 18 and 21, 2006, to marijuana and cocaine (b) August 24, 2006, to marijuana (c) August 30 2006, to cocaine. Although, his attendance to the treatment program has been good, it is this officer's assessment that his response to treatment has not been adequate and effective. On September 25, 2006, the offender was referred to an **in-patient** treatment program to provide the offender with a more structured environment. The offender was discharged from the in-patient treatment program on October 12, 2006, after an assessment was made by the program personnel. The offender has requested medication to help him cope with anxiety and sleeping disorders. Probation Form 49, was

signed by the offender on August 30, 2006 - Waiver of Hearing to Modify Conditions of Supervised Release, in which a mental health treatment program is requested. Original Probation Form- 49 is hereto attached.

**WHEREFORE**, I declare under the penalty of perjury that the foregoing is true and correct. Unless ruled otherwise it is respectfully requested, that he be allowed to continue in supervision and that his conditions of supervision be modified to include participation in a mental health treatment program. It is also requested that the offender be reprimanded and advised that any further violation will be notified to the Court for possible adverse action. Thereupon, that he to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 13<sup>th</sup> day of October 2006.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF  
U.S. PROBATION OFFICER

s/Jose A. Figueroa  
Jose A. Figueroa  
U.S. Probation Officer  
150 Carlos Chardon Avenue  
Federal Office Building, Office 400  
San Juan, PR 00918  
Tel: 787-766-6153  
Fax: 787-766-5945  
[jose\\_a\\_figueroa@prp.uscourts.gov](mailto:jose_a_figueroa@prp.uscourts.gov)

**CERTIFICATE OF SERVICE**

I HEREBY certify that on October 13, 2006, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Andrew Massuco, Assistant United States Attorney and Héctor Guzmán, Assistant Federal Public Defender.

In San Juan, Puerto Rico, this 13<sup>th</sup> day of October 2006.

s/Jose A. Figueroa  
Jose A. Figueroa  
U.S. Probation Officer  
150 Carlos Chardon Avenue  
Federal Office Building, Office 400  
San Juan, PR 00918  
Tel: 787-766-6153  
Fax: 787-766-5945  
jose\_a\_figueroa@prp.uscourts.gov